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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,794	07/31/2003	Satoshi Ogiwara	00862.023166.	7878
5514 7590 12/22/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
MCLEAN, NEIL R				
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2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/630,794

**Applicant(s)**

OGIWARA ET AL.

**Examiner**

Neil R. McLean

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2010 has been entered.

### ***Status of Claims***

2. Claims 3 and 15-23 are pending in this application.  
Claims 3 and 15-21 have been amended.

### ***Response to Arguments***

3. Applicant's arguments with respect to Claims 3 and 15-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankrum et al. (US 2004/0008360) in view of Cernusak et al. (US 6,389,241) and further in view of Tateyama et al. (US 7,062,579) hereinafter 'Ankrum', 'Cernusak' and 'Tateyama', respectively.

Regarding Claims 1-2: (Canceled)

Regarding Claim 3: (Currently Amended)

Ankrum discloses a computerized device (502 of Figure 5) that can directly communicate with a printer (Printer 504), comprising:

a receiving unit (Figure 2: STEP 202 'DISPLAY TASKS PERFORMABLE USING THE DEVICE') that receives capability information of the printer from the printer, the capability information including first information and second information (Allowable parameters and subsets of the parameters wherein options of the device can be set to different values to affect the operation of the device are disclosed at [0014] and [0017]),

a determination unit that (a) determines, based on the first information included in the capability information received by the receiving unit, whether the printer has the first function (For the Paper Size parameter area 408, there is a drop-down text box 416 which shows the allowable paper size values), and (b) determines, based on the second information included in the capability information received by the receiving unit, whether the printer has the second

function (For the Paper Type parameter area 406, there is a drop-down text box 414 which shows the allowable paper type parameters); and

a user interface that notifies a user that the printer has the first function and the second functions if said function, after the determination unit determines that the printer has the first function and the second function (FIGS. 3 and 4 are diagrams of an example graphical user interface (GUI) window 300; Note: As disclosed in [0027]: not all of the parameter values are displayed, just the allowable values for the desired task. For example, if the printer does not have 'photo paper' then the drop down box that shows the different paper types will not show a 'photo paper' option.)

Ankrum does not disclose expressly wherein the first information indicates whether the printer has a first function of automatically detecting a paper size and the second information indicating whether the printer has a second function of automatically detecting a paper type.

Cernusak discloses wherein the first information indicates whether the printer has a first function of automatically detecting a paper size (Figure 4: Sensors for automatically detecting media size; Column 8, lines 10-11) and the second information indicating whether the printer has a second function of automatically detecting a paper type (Figure 4: Sensors for automatically detecting media type; Column 7, lines 60-62).

Cernusak & Ankrum are combinable because they are from the same field of endeavor of image processing; e.g. both references disclose methods of determining the parameters within a printer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to determine if a printer has the capability to automatically detect the paper size and type. The suggestion/motivation for doing so is

to eliminate undesirable print defects. Cernusak discloses in the Background of Invention that the type of media determines the effectiveness of the fusing process. Cernusak further discloses that having an effective temperature in the fuser is vital to ensuring optimized image quality and that paper parameters such as surface roughness, thickness, moisture content, chemical composition, base weight and size directly affect the image quality. Therefore, it would have been obvious to combine Cernusak's automatic paper type and size function with Ankrum's method of determining the print parameters of a printer to obtain the invention as specified to optimize print quality and to prevent the user from having to set a number of different parameters.

Cernusak & Ankrum disclose substantially the invention as claimed above, however they do not disclose expressly wherein the computerized device is a digital camera. Tateyama discloses a computerized device that may be a digital still camera (These devices A to H may be computers such as a personal computer, or most computer-peripheral devices such as a digital VCR, a DVD player, a digital still camera,...; Column 8, lines 1-8). Cernusak, Ankrum & Tateyama are combinable because they are from the same field of endeavor of image processing; e.g., all three references disclose methods of controlling an external device such as a printer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a digital camera as one of the devices which can connect directly with a printer. The suggestion/motivation for doing so is to directly connect the camera to the printer. Tateyama discloses in the Background of Invention, wherein a direct connection avoids network traffic and does not require the use of a PC.

Therefore, it would have been obvious to combine Cernusak and Ankrum's method of setting the parameters on a device with Tateyama's camera/prINTER transmission system to obtain the invention as specified to control a printer from an external device.

Regarding Claims 4-14. (Canceled)

Regarding Claim 15: (Currently Amended)

Ankrum, Cernusak & Tateyama further discloses the digital camera according to claim 3, wherein the user interface notifies the user that the printer has the first function by displaying a message so as to obviate the need for the user selecting a paper size, if the determination unit determines that the printer has the first function (Ankrum discloses at [0031] that allowable values are shown, that is to say the user is prohibited from selecting a parameter that that is not allowable. Drop down box 416 for the paper size only displays the allowable values as shown in Figure 4; Note; The Examiner perceives that a default value as described at [0017] would obviate the need for the user to select a paper size).

Regarding Claim 16: (Currently Amended)

Ankrum, Cernusak & Tateyama further discloses the digital camera according to claim 3, wherein said the user interface notifies the user that the printer has the second function so as to obviate the need for the user selecting a paper type if the determination unit determines that the printer has the second function (Ankrum discloses at [0031] that allowable values are shown, that is to say the user is prohibited from selecting a parameter that that is not allowable. Drop down box 414 for the paper type only displays the allowable values as shown in Figure 4; Note; The

Examiner perceives that a default value as described at [0017] would obviate the need for the user to select a paper type).

#### Regarding Claim 17: (Currently Amended)

Ankrum, Cernusak & Tateyama further discloses the digital camera according to claim 3, wherein the user interface (a) notifies the user that the printer has the first function so as to obviate the need for the user selecting a paper size if the determination unit determines that the printer has the first function (Ankrum discloses at [0031] that allowable values are shown, that is to say the user is prohibited from selecting a parameter that that is not allowable. Drop down box 414 for the paper type only displays the allowable values as shown in Figure 4; Note; The Examiner perceives that a default value as described at [0017] would obviate the need for the user to select a paper size) and (b) notifies the user that the printer has the second function so as to obviate the need for the user selecting a paper type, if the determination unit determines that the printer has the second function (Ankrum discloses at [0031] that non allowable combinations are eliminated and uncertainty by the user is eliminated, that is to say, the user is prohibited from selecting a parameter that is not available. It will not appear on the drop-down menu).

#### Regarding Claims 18-21:

The proposed combination of Ankrum, Cernusak & Tateyama, explained in the rejection of Device Claims 3, and 15-17, renders obvious the steps of the method of Claims 18-21 because these steps occur in the operation of the proposed combination as discussed above. Thus, the arguments similar to that presented above for Claims 3, and 15-17 are equally applicable to Claims 18-21.



5. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankrum, Cernusak & Tateyama as applied to claim 3 above, and further in view of Hanada (US 6,000,864).

Regarding Claim 22: (New)

Ankrum, Cernusak & Tateyama disclose substantially the invention of claim 3, however they do not disclose expressly wherein the digital camera directly communicates with the printer by wireless communication.

Hanada discloses wherein the digital camera directly communicates with the printer by wireless communication (Figure 1: Digital camera 1 and a printer 2 each provided with a wireless communication.)

Hanada, Ankrum, Cernusak & Tateyama are combinable because they are from the same field of endeavor of image processing; e.g., all references disclose methods of controlling an external device such as a printer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a wireless connection between a digital camera and a printer. The suggestion/motivation for doing so is to eliminate the need for cables that have to be connected to both devices. The connection would only be as long as the length of the cables. Hanada further discloses in the Background of Invention wherein the two devices can be remote from each other. Therefore, it would have been obvious to combine Hanada's camera and printer connected wirelessly with Ankrum, Cernusak & Tateyama's digital camera and printer system to obtain the invention as specified to improve the sending and sharing of data between a digital camera and a printer.

Regarding Claim 23:

The proposed combination of Hanada, Ankrum, Cernusak & Tateyama, explained in the rejection of Device Claim 22, renders obvious the steps of the method of Claim 23 because these steps occur in the operation of the proposed combination as discussed above. Thus, the arguments similar to that presented above for Claim 22 is equally applicable to Claim 23.

#### ***Examiner Notes***

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-

1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625